IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

MONDAY, THE 2ND JULY 2007 / 11TH ASHADHA 1929

RPFC.No. 271 of 2007()

MC.130/2006 of FAMILY COURT, MALAPPURAM

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: REVISION PETITIONER/RESPONDENT

SULAIMAN, AGED 37 YEARS,
S/O.MOOKKUNNATH ARAKKAL BAPPUTTY,
PANAMPADY, KOKKOOR P.O., PONNANI TALUK,
MALAPPURAM DISTRICT.

BY ADV. SRI.K.P.MUJEEB

RESPONDENTS: PETITIONERS

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1. SHAMSIYA,
D/O.MOOKUNNATH ARAKKAL SULAIMAN, AGED 12 YEARS,

2. SHAMEENA, 8 YEARS, MINOR,
D/O.MOOKUNNATH ARAKKAL SULAIMAN.
MINOR RESPONDENTS ARE REPRESENTED BY GUARDIAN
MOTHER HURSA, KARIKKAD P.O.,KUNNAMKULAM VIA,
THRISSUR DISTRICT.

BY ADV. SRI.P.CHANDRASEKHAR

THIS REV.PETITION (FAMILY COURT) HAVING COME UP FOR ADMISSION ON 02/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

R.P.(F.C.) No. 271 OF 2007

Dated this the 2nd day of July, 2007

O R D E R

Heard both sides.

2. The revision petitioner, who is the father of two minor female children who are the respondents herein, challenges the final order dated 22.8.2006 passed by the Family Court, Malappuram in M.C.No.130/2006 whereby he was directed to pay monthly maintenance at the rate of Rs.1,200/- to the 1st respondent and Rs.1,000/- to the 2nd respondent from the date of petition, namely, 28.2.2006. The petitioner was admittedly employed in Abudhabi. The respondents had stated in their application for maintenance that the monthly income of the revision petitioner was Rs.40,000/- and they sought maintenance at the rate of Rs.2,500/- per month for each of them. The Family Court had passed an order for interim maintenance which was not complied with by the revision petitioner. Subsequently, the revision petitioner was set ex-parte and the impugned final order was passed ex-parte without a contest.

3. Having regard to the fact that the petitioner who was abroad when the application for maintenance was taken up for trial, I am inclined to give him an opportunity to contest the matter provided he

complies with the directions to be hereinafter made. There is no dispute that the petitioner has paid a sum of Rs.18,000/- towards his liability under the impugned order. If the petitioner deposits before the Family Court, Malappuram, a further amount of Rs.7,500/-(Rupees seven thousand and five hundred only) within one month from today and continues to deposit a sum of Rs.750/-(Rupees seven hundred and fifty only) per child per month by way of interim maintenance, the Family Court shall re-consider M.C.No.130/2006 and dispose of the same on merits on a petition to be filed hereinafter by the revision petitioner within two weeks from today by invoking under the proviso to section 126(2) Cr.P.C. If an application under the above proviso is filed for setting aside the ex-parte order, the Family Court shall not insist on the question of limitation and shall dispose of the said M.C. petition on the merits. But the revision petitioner will have a right to have the matter re-considered only if he complies with the above directions and if he commits default in any of the aforesaid conditions, the order dated 22.8.2006 passed in M.C.No.130/2006 will stand revived.

This revision is disposed of as above.

(V. RAMKUMAR, JUDGE)

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